

Exhibit D

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FILED
Superior Court of California
County of Los Angeles

04/27/2021

Sherri R. Carter, Executive Officer / Clerk of Court
By: R. Hernandez Deputy

John M. Gerro (SBN 85900)
George J. Gerro (SBN 325168)
GERRO & GERRO
530 South Glenoaks Boulevard, Suite 200
Burbank, California 91502
Telephone: (818) 840-0000

Attorney for Plaintiff
George J. Gerro

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, NORTH CENTRAL DISTRICT

GEORGE J. GERRO, an individual

Plaintiff,

vs.

BLOCKFI LENDING LLC, a Delaware
Limited Liability Company;
BLOCKFI INC., a Delaware Corporation;
SCRATCH SERVICES, LLC, a Delaware
Limited Liability Company; and DOES 1-
100

Defendants.

Case No. 20STCV31493

[Assigned for all purposes to the Honorable
Judge William D. Stewart, Dept. A]

Related to case no. 20BBCV00308

**[PROPOSED] INTERLOCUTORY
JUDGMENT (CAL. CIV. PROC. § 597)**

The Demurrer of Defendants BlockFi Lending LLC, BlockFi Inc., and Scratch Services LLC on
the basis of Code of Civil Procedure section 430.10(c), that another action is pending between
the same parties, came on regularly for hearing before the undersigned on April 8, 2021 at
9:30am in Department A of the Burbank Courthouse, located at 300 East Olive Avenue,
Burbank, California 91502, upon notice duly and regularly served;

Defendants BlockFi Lending LLC and BlockFi Inc., appearing by Mark D. Erickson and David
B. Clark of Haynes and Boone, LLP, their counsel;

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1 Defendant Scratch Services LLC appearing by Scott J. Hyman of Severson & Werson APC, its
2 counsel;

3

4 Plaintiff George J. Gerro appearing by George J. Gerro and John M. Gerro of Gerro & Gerro,
5 his counsel;

6

7 The documentary evidence having been judicially noticed, the matter having been argued, and
8 pursuant to its Minute Order dated April 8, 2021, the Court Sustained the Defendants' Demurrer
9 on the basis of California Code of Civil Procedure Section 410.30(c) without leave to amend;

10

11 The Court held that the same cause of action is already pending between the same parties
(*Gerro vs. BlockFi Lending LLC, et al.*, Los Angeles Superior Court, Case No. 20BBCV00308
13 (pending appeal, California Court of Appeal, Second District, Div. 1, Case no. B307156
14 ("*Gerro I*")), and no other special defense was sustained; therefore:

15

16 The Court hereby enters this Interlocutory Judgment in accordance with California Code of
17 Civil Procedure Section 597, in favor of Defendants BlockFi Lending LLC, a Delaware Limited
18 Liability Company, BlockFi Inc., a Delaware Corporation, and Scratch Services LLC, a
19 Delaware Limited Liability Company; and

20

21 It is, therefore, hereby ordered that no trial of other issues shall be had until the final
22 determination of *Gerro I*.

23

24 The court has reviewed the proposed alternative judgment proposed by defendants and finds
no differences or distinctions germane in light of the extensive ruling published in the minutes
of the court.

25 Dated: 04/27/2021



William D. Stewart

26 The Honorable William D. Stewart
27 William D. Stewart / Judge
28 Judge of the Los Angeles Superior Court

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My business address is 530 South Glenoaks Blvd., Suite 200, Burbank, CA 91502
3. I served copies of the following documents (specify the exact title of each document served):

[PROPOSED] INTERLOCUTORY JUDGMENT (CAL. CIV. PROC. § 597)

4. I served the documents listed above in item 3 on the following persons at the addresses listed:

David Clark
Haynes and Boone, LLP
600 Anton Blvd., Suite 700
Costa Mesa, CA 92626

Scott J. Hyman
Severson & Werson, APC
19100 Von Karman Ave., 7TH Floor
Irvine, CA 92612

Attorney for Defendants BlockFi Inc. and
BlockFi Lending LLC

Attorney for Defendant Scratch Services
LLC

5. **X** **By overnight delivery.** I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

6. I served the documents by the means described in item 5 on (date): *SEE BELOW*

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct.

4/13/21
DATE

Ethan Poytress
(TYPE OR PRINT NAME)

/s/ Ethan Poytress
NATURE OF DECLARANT)